

  
Councilmember Schwartz

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency regarding the need for the District of Columbia to effectuate Solid Waste Transfer Station Service and Settlement Agreements to protect the public health, safety and welfare with respect to certain private solid waste handling facilities and settle pending litigation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Solid Waste Transfer Station Service and Settlement Agreements Congressional Review Emergency Declaration Resolution of 2002".

Sec. 2. (a) The District of Columbia Department of Public Works has been carefully negotiating over the past fifteen months Solid Waste Transfer Station Service and Settlement Agreements with owners and operators of private solid waste handling facilities in the District. These Agreements are critical to resolving the long-standing issues surrounding the operation of private solid waste transfer stations in the city and ensuring the safe and effective transfer and disposal of commercial solid waste in the District. Under the Agreements, the final terms of which must be negotiated, major provision are: (1) owners and operators will agree to deliver to, and the District mutually agrees to accept at the District's renovated trash transfer facilities at Benning Road and



1 Ft. Totten, all District generated waste that each collects upon completion of those  
2 renovations and for a period of 20 years thereafter; (2) payment of fees to the District,  
3 adjustable for the CPI, and based upon a negotiated formula reflecting the District's  
4 estimate of operating costs and necessary recoupment of capital investment in the  
5 renovated stations; (3) provisions for private haulers to transport, under contract with the  
6 District, a portion of solid waste processed at the District stations to final disposal sites,  
7 and (4) resolution of administrative and judicial proceedings involving the private solid  
8 waste transfer stations, including litigation before District and federal courts (and which  
9 the parties agree shall be stayed pending completion of the Agreements).

10 (b) Additionally, the Agreements incorporate and reflect the District's  
11 commitment to undertaking renovations and continued maintenance and operation of the  
12 District's solid waste transfer stations so that commercial solid waste currently processed  
13 at the Uline Transfer Station and other private solid waste facilities can be redirected to  
14 the District stations, Further, the Agreements contemplate the phased reduction in  
15 tonnage handled at these stations and in some instances the full closure of such facilities.  
16 Thus, Waste Management has agreed to inclusion in its Agreement of a commitment to  
17 close Uline Transfer Station, located in a residential neighborhood at 1140 3'd Street,  
18 N.E., by September 15,2002.

19 (c) Because renovations of the District's stations will not be completed until on or  
20 about December 31,2003, it is necessary for the private solid waste facilities to continue  
21 operating beyond the June 11,2002, closure date as originally set forth in section 9 of the  
22 Solid Waste Facility Permit Act (D.C. Official Code § S-1058). Without their continued  
23 operation during the renovation period, commercial solid waste may not be collected and



1 processed in the District, which could result in an immediate public health emergency in  
2 the District of Columbia.

3 (d) Inasmuch as D.C. Official Code 9 S-1058 (a)(2) prevents the continued  
4 operation of private solid waste facilities that do not meet the 500-foot siting  
5 requirements beyond June 11, 2002, and the District of Columbia Procurement Practices  
6 Act might otherwise limit the District's ability to negotiate a full resolution including  
7 provisions for hauling of solid waste to  
8 final disposal sites, the Mayor has submitted emergency legislation for action by the  
9 Council. The emergency legislation would allow the continued operation of the private  
10 solid waste transfer stations on a temporary basis while the District facilities are being  
11 renovated, the Agreements are finalized, and corresponding permanent legislation can be  
12 introduced. Further, the emergency legislation would allow the District to enter into  
13 Settlement Agreements with private solid waste haulers that include agreements to pay  
14 for costs to transport solid waste processed at the District facilities to a final disposal site  
15 outside the District. Without enactment of the emergency legislation at this time, the  
16 Agreements cannot be executed, adversely impacting a variety of the necessary interim  
17 steps required to address the health and safety concerns raised, including effecting the  
18 closure of the Uline Transfer Station by September 15, 2002, pursuant to Agreement.  
19 This emergency legislation will achieve the goals and objectives of the Solid Waste  
20 Facility Permit Act, prevent an imminent threat of a public health and safety crisis in the  
21 city, while at the same dispensing with the costly litigation now pending in District and  
22 federal courts.

23 Sec. 3. The Council of the District of Columbia determines that the circumstances



1 enumerated in section 2 constitute emergency circumstances making it necessary that the  
2 Solid Waste Transfer Station Service and Settlement Agreements Congressional Review  
3 Emergency Amendment Act of 2002 be adopted after a single reading.

4 Sec. 4. This resolution shall take effect immediately.